

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
KEVIN RAY,

Plaintiff,

-against-

THE NEW 42nd STREET, INC.,

Defendant.
----- X

**ORDER DENYING
DEFENDANT'S MOTION TO
ENFORCE AGREEMENT AND
PLAINTIFF'S MOTION FOR
SANCTIONS**

22 Civ. 4811 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:


The parties stipulated to the dismissal of this action without any reservation of jurisdiction by this Court. ECF No. 14. Hence, a motion to enforce the settlement and confidentiality agreements post-dismissal constitutes its own cause of action, requiring independent grounds for jurisdiction. No basis has been shown. *See Hendrickson v. United States*, 791 F.3d 354, 358 (2d Cir. 2015).

Plaintiff's motion for sanctions is denied for the same reasons. Furthermore, although the Court is skeptical that Ray violated the agreements' terms, it is not frivolous that the claim was made.

The Clerk is instructed to terminate the open motions at ECF Nos. 15 and 20. The case shall remain closed.

SO ORDERED.

Dated: March 5, 2024
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge